

YOUTH SERVICES POLICY

Title: Death of Youth in Custody, Autopsies, and Burial Expenses Next Annual Review Date: 06/26/2010	Type: C. Field Operations Sub Type: 1. General Number: C.1.1
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References: La. R.S. 9:1551; 17:2353, 33:1556; 33:1563; 33:1564; 33:1565 and 37:848; ACA Standards 2-CO-3B-02 (Standards for Administration of Correctional Agencies) and 4-JCF-4C-42 (Performance-based Standards for Juvenile Correctional Facilities); YS Policies A.4.1 "Contract Manual" and B.6.1 "Health Care" (J/Hc-AN 01-01 "Morbidity/Mortality Review"); State Purchasing Regulations	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 06/26/2009

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To institute uniform procedures regarding the responsibilities of Youth Services (YS) staff upon the death of a youth in YS custody; notification of the Coroner and payment of burial expenses.

III. APPLICABILITY:

Deputy Secretary, Undersecretary, Assistant Secretary, Deputy Assistant Secretaries, Deputy Undersecretary, Facility Directors, and Regional Managers.

IV. DEFINITIONS:

Unit Head - Deputy Secretary, Facility Directors, and Regional Managers.

Youth in the custody of YS - Youth adjudicated to the custody of YS and residing in secure or non-secure care, whether operated by a contractor or by YS.

YS Central Office - Offices of the Deputy Secretary, Undersecretary, Assistant Secretary, Chief of Operations, Deputy Assistant Secretaries, Deputy Undersecretary and their support staff.

V. POLICY:

- A. It is the responsibility of the Unit Head to notify the family of a youth who has died while in YS custody.
- B. Pursuant to La. R.S. 33:1563, it is the responsibility of the parish Coroner to either view the body or conduct an investigation into the cause and manner of death in all cases involving the death of a youth while in the custody of YS.
- C. In accordance with La. R.S. 33:1563, it is the Deputy Secretary's policy that an autopsy shall be performed on the bodies of youth who die while in the custody of YS, unless a waiver is approved in accordance with policy.
- D. Pursuant to La. R.S. 33:1565 and La. R.S. 9:1551, burial expenses for paupers shall be paid by the State when the body is not claimed by friends or relatives. These expenses should not, by law, exceed the actual cost of the service.

VI. PROCEDURES:

- A. The Unit Head shall make every reasonable effort to notify the youth's parent(s) or legal guardian(s), or next of kin, of the death as soon as possible. After notification, the Unit Head shall send a condolence letter to the family.
- B. It is the responsibility of the Unit Head or his designee to notify the parish Coroner of all deaths of youth in the custody of YS. All attempts to contact the Coroner regarding any death should be thoroughly documented.
- C. The individual Coroner responsible for the autopsy is outlined in La. R.S. 33:1556.C., in part, as follows:
 - (1) When a death occurs and the death appears to have been due to natural causes, the coroner of the parish of domicile of the deceased shall be responsible for any investigation into the cause and manner of death and for any examination of the body or autopsy.
 - (2) When a death occurs and a crime or accident is suspected, the coroner of the parish where the crime or accident occurred shall be responsible for any investigation into the cause and manner of death and for any examination of the body or autopsy.

When a natural death occurs outside the parish of domicile, which means the parish of the facility, it is the responsibility of the Coroner of the parish where the death occurred to forward all information from the initial investigation to the coroner of the parish where the deceased was domiciled. It is the responsibility of the Coroner of the parish where the deceased was domiciled to complete all the necessary documents, including the death certificate.

- D. When a youth has suffered from a prolonged or chronic illness, medical records and long history of treatment exists, and the death certificate is duly issued indicating the prolonged illness as the cause of death, the Unit Head, with the approval of the Deputy Secretary, may request a waiver of the autopsy through the appropriate Coroner or concur in the Coroner's assessment that an autopsy is not necessary.

When the Coroner's investigation reveals that an autopsy is not required, but the Unit Head determines that one would be in the best interest of YS, the Unit Head, with the approval of the Deputy Secretary, may request that an autopsy be performed.

- E. Upon completion of an autopsy or completion of the Coroner's investigation, if the investigation reveals that an autopsy is not required, the Coroner shall release the body to the family or friends for burial. [Refer to La. R.S. 33:1565 A. (1).]
- F. A copy of each autopsy report and all medical reports and parts of the medical record pertinent to the death shall be forwarded immediately upon receipt to the Deputy Secretary under a cover memorandum including any pertinent information.
- G. Payment for autopsies is authorized in accordance with prevailing rates if the service cannot be obtained without charge from another state agency. Autopsy services under \$1,000 will be handled as a confirmation purchase (see YS Policy No. A.4.1 "Contract Manual"). Reimbursement for autopsies for youth in the custody of YS shall be made through extraordinary medical funds. Request for such reimbursement shall be submitted to YS with appropriate documentation (i.e. copy of death certificate, invoice for autopsy services, etc).
- H. If the body is not claimed and the death was due to natural causes as certified by the attending physician/coroner, the body may be disposed of as provided for in a pauper's funeral as per La. R.S. 33:1565 A. (2), or donated to the State Anatomical Board as per La. R.S. 17:2353, if approved by the Coroner. State Purchasing regulations must be followed in selecting a funeral home to provide the services. However, since the body must be embalmed within 30

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hours as per La. R.S. 37:848, permission should be requested to telephone bid the service.

- I. In cases where the body of the deceased is not claimed, arrangements for the burial should be made by the appropriate Unit Head in accordance with State Purchasing regulations by a Louisiana licensed funeral home. Burial expenses for paupers, including embalming the body (if necessary), obtaining burial permits, transportation fees and the cost for the least expensive burial casket available, shall not exceed the actual cost of the service per La. R.S. 33:1565. Reimbursement for such expenses for youth who died while in the custody of YS shall be made only when prior approval has been obtained from the Deputy Secretary to obligate such funds. Requests for such reimbursement shall be submitted to YS with appropriate documentation (i.e. copy of death certification, invoices for burial expenses, etc).
- J. In cases where the body of the deceased (who is not a pauper) is not claimed, the deceased's banking accounts should be frozen and applied to offset all or part of the funeral expenses. Inquiries should be made to the parent(s) or legal guardian(s) as to whether a burial policy was in force for the deceased for use to offset all or part of the expenses.

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Previous Effective Date: 6/20/08

Attachments/References: